

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**OPERATING ENGINEERS LOCAL 139
HEALTH BENEFIT FUND, et al.,
Plaintiffs,**

v.

Case No. 08-C-331

**ZENITH INDUSTRIAL SERVICES, INC.,
A Wisconsin Corporation,
Defendant.**

DECISION AND ORDER

Plaintiffs, who are employee welfare benefit plans and the plans' fiduciary, filed the present action pursuant to the Employee Retirement Income Security Act of 1974 ("ERISA") and the Labor-Management Relations Act of 1947, alleging that defendant has failed to make contributions to the plans as required by a collective bargaining agreement to which defendant is a party. Defendant was duly served with the summons and complaint, but has not answered or otherwise defended. The clerk has entered defendant's default, and plaintiffs have applied for entry of a default judgment in the amount of \$94,997.71. Plaintiffs have submitted affidavits and other materials showing that they are entitled to a default judgment in that amount. **THEREFORE, IT IS ORDERED** that plaintiffs' motion for default judgment is **GRANTED**. The clerk shall enter final judgment in favor of plaintiffs and against defendant in the amount of \$94,997.71.

Dated at Milwaukee, Wisconsin, this 16 day of October, 2008.

/s _____
LYNN ADELMAN
District Judge